

**2002 WARRENTON/FAUQUIER COUNTY
BOUNDARY ADJUSTMENT AGREEMENT
ST. LEONARD'S FARM AREA**

THIS AGREEMENT, is made and entered into this ____ day of _____, 2002, by and between the **TOWN OF WARRENTON, VIRGINIA**, a Virginia municipal corporation (hereinafter “the Town”), and the **COUNTY OF FAUQUIER**, a political subdivision of the Commonwealth of Virginia (hereinafter “the County”).

RECITALS

- R-1. St. Leonard's Farm, Inc. is a Virginia Corporation, which is the owner of record of a certain tract of land containing approximately 65.446 acres as the same is more thoroughly identified in Deed Book 311 at Page 611 among the land records of Fauquier County, Virginia, and which further is the partial subject of a land sale contract between the Town and St. Leonard's Farm, Inc. dated October 15, 2002.
- R-2. The Town and the County, after due consideration, have determined and agree that their common boundaries should be adjusted and relocated as identified in **Exhibit “A”**, thereby including within the municipal boundaries of the Town all of the above-stated land currently owned by St. Leonard's Farm, Inc., but which is subject to the land sale contract in favor of the Town as purchaser.
- R-3. The Town and the County have voluntarily determined and agreed that such relocation of boundaries is necessary or desired in order to ensure the effective and efficient provisions of public services to the area to be adjusted into the Town.
- R-4. The Town and the County desire to proceed pursuant to Chapter 31, Article 2 of Title 15.2 of the Code of Virginia, 1950, as amended, hereinafter referred to as “the Virginia

Code”, to incorporate within the Town the area identified in the relocated boundary adjustment.

- R-5. The Town and the County pursuant to Section 15.2-3107 of the Virginia Code have properly published notice of this agreement in one or more newspapers of general, local, public circulation, and moreover concerning the intention of the Town and County to adopt this Agreement as provided by the Virginia Code on Thursday, October 31, 2002 and Thursday, November 7, 2002, such notice providing a descriptive summary of the agreement to adjust the Town/County boundary, the proposed relocated boundary and a statement that the files relating to this matter were on file in the Office of Kenneth L. McLawhon, Town Manager, and in the Office of G. Robert Lee, County Administrator and Clerk to the Board of Supervisors.
- R-6. The Town and the County have scheduled, have issued public notice for and have held a joint public hearing on November 18, 2002, on the matter of the boundary adjustment provided for in this Agreement, a copy of which is attached hereto as **Exhibit “B”**.
- R-7. The Town Council adopted a resolution authorizing the execution of this Agreement, a copy of which is attached hereto as **Exhibit “C”**.
- R-8. The Board of Supervisors adopted a resolution authorizing the execution of this Agreement, a copy of which is attached hereto as **Exhibit “D”**.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. **RELOCATION OF BOUNDARY.**

The Town and the County hereby agree pursuant to Section 15.2-3106 of the Virginia Code, to adjust, relocate and change their common boundary line, being that western

most municipal boundary along and in the approximate vicinity of State Route 211 of the Town, as identified in **Exhibit “A”** attached hereto and incorporated herein, to incorporate into the Town the subject land being that 65.446 acres which being the above-stated property lays generally westward of the current boundary, as the same is more thoroughly described and depicted in **Exhibit “A”**.

2. **AUTHORITY.**

The Town has authorized the execution and implementation of this Agreement by resolution of the Town Council, a copy of which is attached hereto as **Exhibit “C”**. The County has authorized its execution and implementation of this Agreement by resolution of its Board, a copy of which is attached hereto as **Exhibit “D”**.

3. **PETITION.**

The Town and the County shall jointly petition the Circuit Court of Fauquier County, seeking approval of agreement for the adjustment of the boundary line, VA Code 1950, 15.2-3108. The Town Attorney and the County Attorney are hereby authorized and directed to execute such petition or petitions and all other necessary documentation on behalf of the Town and the County.

4. **PUBLICATION.**

Each party represents and warrants, each to the other, that they have complied with Section 15.2-3107 of the Virginia Code for publication of notice and adoption of this Agreement.

5. **NOTICE.**

The parties agree that the publication of notice shall be attached to the Circuit Court Petition as required under Section 15.2-3108 of the Virginia Code.

6. **FURTHER REQUIREMENTS.**

Each party agrees to perform any and all requirements of Article 2, Chapter 31, Title 15.2 of the Virginia Code.

7. **COSTS.**

The costs of all proceedings and advertisements necessary to effect this boundary relocation shall be allocated among the parties herein (Town and County) in relation to their respective obligations hereunder.

8. **EFFECTIVE DATE.**

The effective date of this Agreement shall be the first day of the month next following the date of entry of an Order of the Circuit Court of Fauquier County or 21 days after such entry, whichever is longer. VA Code 1950, § 15.2-3108 of the Virginia Code.

9. **VOTING RIGHTS ACT APPROVAL.**

The parties agree to jointly pursue the United States Justice Department approval of the boundary change pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. Section 1973).

10. **INTEGRATION AND MODIFICATION.**

- A. This Agreement contains the final and entire agreement between the Town and the County with respect to this boundary adjustment matter hereof and is intended to be an integration of all prior understandings.
- B. The Town and the County shall not be bound by any terms, conditions, statements, warranties or representation, oral or written, not contained herein.
- C. No change or modification of this Agreement shall be valid unless the same is in writing and signed by both parties.

IN CONSIDERATION of the foregoing, the authorized representatives of the Town and the County have executed this Agreement in duplicate as of the date and year first herein written.

APPROVED AS TO FORM:

COUNTY OF FAUQUIER, a political
Subdivision of the Commonwealth of
Virginia by its Board of Supervisors

PAUL S. MCCULLA

By: _____
Its Chairman

APPROVED AS TO FORM:

TOWN OF WARRENTON
a Virginia municipal corporation

JAMES P. FISHER
Town Attorney

By: _____
KENNETH L. McLAWHON
Town Manager

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